

Attorney Docket No. P66036US1
Application No.: 09/750,185

Remarks/Arguments:

The instant paper resubmits the corrected section (Amendments to the Claims) of the Amendment, filed October 15, 2003 (the "previously filed Amendment"), in accordance with the Notice of Non-Compliant Amendment, mailed February 6, 2004.

As required by the Notice, a complete listing of all of the claims is, now, present. As, also, required by the Notice, each claim is now provided with the proper status identifier.

Notwithstanding the foregoing, applicant requests that the PTO issue a corrective Office communication, which replaces the Notice and resets the time period for reply, because the Notice is defective.

The Notice is defective because it indicates, erroneously, that the previously filed Amendment is non-compliant for failing to include "Amendments to the drawings" and, so, for requiring that amendments to the drawings be submitted in reply. No amendments to the drawings were required by the Office Action (mailed July 15, 2003) to which the previously filed Amendment replied.

In view of the foregoing, a new Office communication that corrects the above identified error, and restarts the time period for reply as of its mailing date, is in order. MPEP 710.06.

Applicant is aware that the Office Action mailed January 15, 2003, included an objection to the drawings. However, January 15 Office Action was "vacated" by the subsequent Office Action mailed July 15, 2003, which subsequent Office Action neither repeats the objection nor refers to the objection in any way. Therefore, the drawings objection was implicitly waived. "Every point in the

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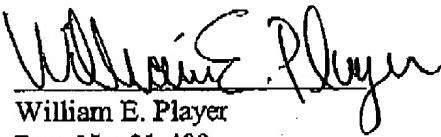
prior action of an examiner which is still applicable *must be repeated or referred to*, to prevent the implied waiver of the requirement." MPEP 707(e) (*emphasis added*).

Favorable action is requested.

Respectfully submitted,

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